



VILLAGE OF PINECREST  
Village Council Meeting

SPECIAL MEETING MINUTES  
WEDNESDAY, AUGUST 3, 2016, 9:00 A.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER  
12645 PINECREST PARKWAY  
PINECREST, FLORIDA

The special meeting was called to order by the mayor at 9:20 a.m. Present were the following:

Councilmember Cheri Ball  
Councilmember Doug Kraft  
Councilmember Bob Ross  
Vice Mayor James E. McDonald  
Mayor Cindy Lerner

Village Manager Yocelyn Galiano  
Village Clerk Guido Inguanzo  
Village Attorney Chad Friedman

The mayor led the Pledge of Allegiance.

The Council discussed the following ordinance, on first reading, which the clerk read by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING TEXT AMENDMENTS AND UPDATES TO THE GOALS, OBJECTIVES, AND POLICIES OF THE VILLAGE OF PINECREST COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL REQUIRED REVIEWING AGENCIES; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.



The Local Planning Agency submitted a favorable recommendation.

Planning Director Stephen Olmsted made a brief presentation regarding the proposed amendments to the Comprehensive Development Master Plan.

The mayor opened the public hearing. There were no speakers present.

Vice Mayor McDonald made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Ball and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO MIAMI-DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO APPLY THE PROPOSED ORDINANCE WITHIN ANY OBJECTING MUNICIPALITY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

The manager, attorney and Planning Director Olmsted participated in discussions with the Council.

After extensive discussion, the resolution was amended as follows:

*A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO MIAMI-DADE COUNTY'S PREEMPTION OF THE VILLAGE'S HOME RULE POWERS AS PROPOSED IN THE DRAFT OF THE MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE BOARD OF COUNTY COMMISSIONERS NOT TO APPLY THE PROPOSED ORDINANCE WITHIN ANY OBJECTING MUNICIPALITY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.*

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WHEREAS, the Board of County Commissioners is considering the adoption of a Mandatory Workforce Housing Ordinance (the "County Ordinance") which passed first reading as County Agenda Item 4(J) on June 7, 2016; and

WHEREAS, the Village Council finds that if the County Ordinance is adopted in the form in which it is proposed, it is hereby subject to objection and opposition upon, but not limited to, each of the following grounds:

- There is a significant question of whether or not application of the proposed Ordinance within municipalities exceeds the County's charter based regulatory authority.
- The County Ordinance interferes with Municipal Home Rule Powers which are provided by Article VIII, Section II of the Florida Constitution and codified in Section 166.021, F.S.
- The County Ordinance may create a legal conflict with the Village's Zoning Code which does not provide a mechanism for the proposed bonuses. If the County Ordinance is found to be valid and within their authority, the Village would be required to amend its Zoning Code to provide for the density bonuses of up to 25% in the Village's residential zoning districts.
- The County Ordinance creates a legal conflict with the Village's Comprehensive Plan. Residential land use categories do not provide for the density permitted under the County's proposed density bonuses and, if the County Ordinance is found to be valid and within their authority, the Village would need to amend its Comprehensive Plan by increasing densities up to 25% in the Village's residential land use categories or providing a bonus mechanism for workforce housing; and
- ~~• The mechanism for the Village to opt out of the proposed mandatory workforce housing program is very burdensome and the deadline very short. Further, implementation of a local ordinance will shift the risk of claims from developers to the local government rather than leaving the risk with the County government that mandated the program; and~~

WHEREAS, the Village Council applauds the intent of the sponsoring commissioner and others in desiring to encourage the availability of workforce housing, the Village Council respectfully and strongly objects to the County Ordinance's proposed imposition of a mandatory workforce housing methodology within the Village of Pinecrest; and

WHEREAS, Pinecrest provides for affordable and workforce housing in the higher density areas of the Village and such a component has been identified in the Village's Comprehensive Plan; and

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WHEREAS, the Village Council requests that the County Ordinance shall not be applicable within the Village of Pinecrest or any other objecting municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. Opposition and Objection Concerning the County Ordinance. That the Village Council hereby strongly objects to and opposes Miami-Dade County's preemption of the Village's Home Rule powers as proposed in the draft of an County Ordinance with a and its mandatory workforce housing approach, and respectfully urges the Board of County Commissioners to reject the proposed County Ordinance or to amend the proposed County Ordinance to provide that the County Ordinance shall not be applicable within the Village of Pinecrest or any other objecting municipality.


Section 3. Workforce Housing Options. That the Village Council welcomes and invites the Board of County Commissioners to assist in forming and working with a task force of municipalities to develop workforce housing initiatives which comply with applicable laws.

Section 4. Transmittal. That the Village Clerk is hereby directed to transmit a copy of this Resolution to the Mayor of Miami-Dade County, the Board of County Commissioners, municipalities within Miami-Dade County, and the Miami-Dade County League of Cities.

Councilmember Ball made a motion adopting the amended resolution. The motion was seconded by Vice Mayor McDonald. Resolution 2016-38 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

The meeting was adjourned at 10:05 a.m.


Respectfully submitted:



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Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved by the Village Council  
this 13th day of September, 2016.



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Cindy Lerner  
Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (FLORIDA STATUTES).